

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

GUARDIANSHIP PETITION NO. 19 OF 2025

Mehboob Mansur Kasim

.. Petitioner

Versus

Sofi Abbas Matcheswala

.. Respondent

Adv. Jehangir Jeejeebhoy a/w Adv. Bindi Dave, Adv. Dhruvi Mehta, Adv. Janhavi Kapgate i/b Wadia Ghandy & Co., for the Petitioner.

None for Respondent.

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CORAM: FIRDOSH P. POONIWALLA, J.

DATE: NOVEMBER 4, 2025

P. C.

1. This Petition has been filed by the Petitioner for being appointed as the guardian of the Respondent, namely, Sofi Abbas Matcheswala (hereinafter referred to as “Sofi”).

2. It is the case of the Petitioner that Sofi is 94 years old and is suffering from ‘Major Cognitive Impairment’, commonly known as Dementia. It is further stated that, on account of this Dementia, Sofi is not able to make any personal and financial decisions.

3. For this reason, the Petitioner, who is the nephew of Sofi, has filed this Petition for being appointed as her guardian.

4. The Petitioner has also stated that Sofi had one daughter, namely Ashrafi, who suddenly and tragically passed away on 21st July, 2025 and therefore, also, this Petition is necessitated.

5. The Petitioner has annexed the Medical Certificate dated 29th September, 2025 issued by Dr. Vicky Thakkar, a Neurologist affiliated with the Saifee Hospital and Breach Candy Hospital in Mumbai, showing the medical condition of Sofi.

6. The Petitioner has also annexed a no objection Affidavit dated 9th October, 2025 of Mumtaz Mansur Kasim, who is the Petitioner's sister and the only other surviving heir of Sofi, stating that she had no objection to the Petitioner being appointed as the guardian of Sofi in respect of her person and property.

7. I have perused the Medical Certificate dated 29th September, 2025 issued by Dr. Vicky Thakkar (Neurologist). In the said Certificate, it is stated that Sofi is suffering from 'Major Cognitive Impairment'. Her medical condition significantly interferes with her ability to perform Activities of Daily Living and Instrumental Activities of Daily Living. In particular, she exhibits impairments in memory with significant difficulty in recalling recent events, asking the same questions repeatedly, impairment in decision making as well as her judgement which compromises her ability to make sound personal and financial decisions. The said Certificate also states that, due to the progressive nature of her cognitive impairment, Sofi is not

capable of engaging in her day-to-day activities independently. She requires round-the-clock supervision and assistance to ensure her safety, well-being, and proper management of her daily needs and finances.

8. This Medical Certificate clearly shows that Sofi is not capable of handling her own personal and financial decisions.

9. Further, after the passing away of Sofi's daughter, the Petitioner and his sister are the only surviving heirs of Sofi. The Petitioner's sister lives in Germany and, as stated herein above, has given an Affidavit stating that she has no objection to the Petitioner being appointed as the guardian of the person and property of Sofi.

10. In these circumstances, I am of the view that the Petitioner is required to be appointed as the guardian of the person and property of Sofi. Further, the Petitioner has earlier spent a sum of Rs. 3,14,879.35 towards the welfare of Sofi. The breakup of these expenses is given at pages 37 and 38 of the Guardianship Petition. The Petitioner has sought reimbursement of the said expenses. In my view, the Petitioner is entitled to reimbursement of the said expenses.

11. In these circumstances, the following Order is passed :

a) The Petition is allowed in terms of prayer clauses (a) and (b) of the Petition which read as under :

“(a) This Hon. Court be pleased to pass an order appointing the Petitioner as the Guardian of the Respondent's person and her Assets (as set out in Exhibit

"D") including but not limited to taking charge of and managing the Respondent's Assets and if need be, dispose of/ redeem any or all of them and use the proceeds for the welfare of the Respondent and/or to reinvest the proceeds and cash flow surplus, if any, in any other asset/ instrument for the welfare of the Respondent, as also to attend and vote at the meetings of the residential society, to sign/ execute necessary documents on behalf of the Respondent to be submitted to government authorities, banks and other institutions/organisations, to appoint advocates for filing of any legal proceeding to enforce/ protect the Respondent's legal right, title, interest, to contact/ make necessary inquiries/ engage with Ashrafi's chartered accountant/financial advisor/bankers to get full particulars/details of Ashrafi's estate to which the Petitioner is solely and wholly entitled to, and to take all such decisions necessary and incidental for the welfare and benefit of the Respondent.

(b) This Hon. Court be pleased to pass an order declaring that the Petitioner is entitled to reimbursement from the Respondent's Assets in the amount of Rs.3,14,880/- (Rupees Three Lakh Fourteen Thousand Eight Hundred Eighty Only) (as set out in Exhibit "I"), along with any further expenses that may be incurred by him during the pendency of this Petition."

- b) The Petitioner will furnish to this Hon'ble Court, every six months, a report of the expenses that the Petitioner has incurred out of the assets of Sofi.
- c) The Guardianship Petition is disposed of.
- d) There will be no order as to costs.

[FIRDOSH P. POONIWALLA, J.]